

# MAXWELLTON COURT TENANTS ASSOCIATION

(Renfrewshire Council)

## WRITTEN SUBMISSION

### Introduction

Maxwellton Court Tenants Association is one of the Registered Tenants and Residents Associations (TARA's) and is in the local authority area of Renfrewshire.

We are a committee of 8, elected annually, and generally represent the views of our tenant's at Council Events, Consultations (Local & Nationally)

We welcome being involved in the extensive consultations held on many of the proposals included in the Bill and we particularly welcome the proposals to abolish the Right to Buy and the provisions on social sector allocations and tenancies

However, we are disappointed that the proposal to create a Housing Tribunal for the social rented sector and the introduction of Probationary Tenancies are not included in the Bill.

Our comments are as follows on the provisions in the Housing (Scotland) Bill are:

### Part 1 – Right to Buy

- The Right to Buy (RTB) should now be abolished in order to safeguard and protect the limited social housing resource that we currently have in Scotland.
- The timetable for abolishing the RTB should be 2 years. We consider that **Tenants** who currently have the RTB, had this right for a significant number of years and have not exercised it, so are now unlikely to do so.

### Part 2 – Social Housing

#### a) Allocations

We agree with this measure as it removes an unhelpful barrier to landlords wanting to allocate to particular groups in specific situations and believe the

Bill makes it explicit that removing this age bar does not mean that landlords can discriminate against particular age groups or that it contravenes the Equality Act 2010.

However we consider that landlords should be enabled to allocate housing in a “common sense approach” in order to sustain tenancies, protect the interests of existing tenants in terms of their right to live in a safe and secure environment and allocate tenancies in a sensitive manner with regard to the demographic of other people living in neighbouring properties, with particular regard to areas or property types that are more suitable for or already have older people living in them.

Landlords should be able to take an applicant’s previous Antisocial Behaviour (ASB) into account when considering whether or not to offer them a house; should also include homeless applicants.

Landlords **must consult tenants and tenants’ organisations** on any proposals to change allocations policies and procedures. (Quite a lot of Social Landlords do not do this at this time)

#### **b) Probationary Tenancies (Initial tenancies)**

The outcome of the Governments consultation concluded that the majority of the sector, including tenant responses, were in favour of introducing Probationary tenancies (or Initial Tenancies) and we are all disappointed that it was dropped for this Housing Bill.

We **strongly support** the introduction of initial tenancies and **support** the introduction of probationary tenancies for all social housing tenants and believe that the benefits of introducing this outweigh any negativity especially when it has the real potential to help deal with tenancy problems, such as anti-social behaviour, much sooner.

#### **c) Short Scottish Secure Tenancies (SSSTs)**

We consider that:

- Short Scottish Secure Tenancies should **remain** as 6 months
- Under **no** circumstances should people be allocated a social rented house and have or keep their own home elsewhere.

- Landlords should be able to allocate Short Scottish Secure Tenancies (for a 6 month period) to allow them to work with people who have previous history of ASB.

#### **d) Antisocial Behaviour - SSSTs**

We consider that:

- Landlords should be able to give all new tenants Short Scottish Secure Tenancies where there has been previous ASB.
- Landlords **must** be able to convert full Scottish Secure Tenancies to Short tenancies when they are dealing with tenants ASB to allow them to work with the tenants to try to improve the behaviour or stop the tenancy where the ASB continues.
- Landlords should continue to provide tenancy support whilst tenants have a Short Scottish Secure Tenancy, powers need to be given to Landlords which makes sure that ASB can be addressed or the tenancy **will be** terminated.

### **Part 3 – Private Rented Housing**

In terms of the private rented sector, we do not have any private tenants in our block of flats, and feel we have no right to make comments in relation to this section.

#### **a) The Tribunal**

We agree that the introduction of the private sector housing tribunal is positive **HOWEVER** it should be noted that we are disappointed that this has not been included in the Bill for the social rented sector as per our response to the Dispute Resolution Consultation in 2013. In addition it should be noted that:

- Further information and clarification is required on the operation and enforcement powers of the Tribunal and that the Tribunal needs to **“have clout and teeth”** or it will not be worth the bother
- The Tribunal needs to be able to **“streamline”** the disputes process and make it easier and quicker than the current operation via the Sheriff Court system.

## **b) Private Rented Housing Panel**

We agree that:

- Local Authorities **must** have increased powers to enforce the repairing standard.
- Evidence in relation to private landlords not meeting the standard **must** not just come from tenants and that neighbours, police, fire and rescue services, and the local authority itself should be able to provide this evidence.
- Where appeals are made by the private landlord; the funding required from the Local Authority to defend their position / action **must not** come from Housing Revenue Accounts (HRA's)
- The Private Rented Housing Panel **must** make the process simpler and more streamlined, the Panel **must** have **“teeth”** and be a less onerous process than using the Sheriff Court system.
- Local Authorities **must** have enforcement powers to ensure repairs and maintenance work is carried out.
- **All** Private Lets should meet the repairing standard and Local authorities **must** have increased powers to enforce this.

## **Part 4 – Letting Agents**

We consider that:

- Letting Agents **must** be subject to a robust and effective registration scheme
- Local Authorities **must** have **additional enforcement powers** in areas where there are issues with management of all stock owned by this landlord
- Local Authorities **must** have increased powers to deal with private landlords where there are issues in relation to:
  - The behaviour of the tenant living in their property
  - The lack of repairs and maintenance of the property and any common areas, especially where there are social housing tenants and / or properties

- Letting Agents **must** be required to meet and sign up to a Code of Conduct
- Guidelines **must** be developed
- Letting Agent Registration and Code of Conduct **“needs to have teeth”**
- Disputes between agent and landlord should be addressed by Trading Standards
- The Bill and the Scottish Government **must** look at **“beefing up”** existing systems to ensure Local Authorities and other’s involved **implement the full powers already available rather than adding new things**

### **Part 6 – Private Housing Condition**

We agree that Local Authorities **must** have powers to enforce private landlords to carry out repairs and improvement to their properties. In addition properties where social landlords own some of the properties, social landlords **must** have additional powers to enforce repairs and easier mechanisms to **make private landlords pay their share of improvement works required.** Where resources are to be utilised in this area, monies should come from the **General Fund not the HRA.**

Consideration **must** be given to developing a private rented housing standard, similar to the Scottish Housing Quality Standard.

**Maxwellton Court Tenants Association (Renfrewshire Council)**  
**27 February 2014**